#### APPROVAL OF CONSENT AGENDA

# TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director 954-797-

1101

**PREPARED BY:** Larry A. Peters, P.E., Town Engineer 954-797-1113

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** District 2

ITEM REQUEST: Schedule for Council Meeting

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, ACCEPTING THE UTILITY EASEMENT WITH TARGET CORPORATION AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The Town Engineering Staff has determined that it is in the best interest of the Town of Davie to accept the Utility Easement with Target Corporation. A copy of the utility easement is attached to the accompanying Resolution and Town Council approval is necessary for the Town to accept the needed utility easement and to authorize the recordation of same in the Public Records of Broward County, Florida.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** 

**Attachment(s):** Resolution, utility easement, and sketch of survey

RESOLUTION NO
A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
ACCEPTING THE UTILITY EASEMENT WITH TARGET
CORPORATION. AND AUTHORIZING THE PROPER TOWN
OFFICIALS TO EXECUTE THE UTILITY EASEMENT; AND
PROVIDING FOR AN EFFECTIVE DATE.
WHEREAS, the Town Council of the Town of Davie deems it to be in
of the Town to accept the Hillity Economy with Towart Company

DECOLUTION NO

WHEREAS, the Town Council of the Town of Davie deems it to be in the best interests of the Town to accept the Utility Easement with Target Corporation and authorize the proper Town officials to execute the Utility Easement; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

<u>SECTION 1</u>. The foregoing "Whereas" clause is hereby ratified and confirmed as being true and correct and is incorporated herein by this reference.

<u>SECTION 2</u>. In accepting the recommendation of Town staff, the Town Council of the Town of Davie, Florida, hereby accepts the Utility Easement with Target Corporation and authorizes the proper Town officials to execute a the Utility Easement; a copy of which is attached as Exhibit "A".

<u>SECTION 3</u>. The Town Council hereby authorizes the proper Town officials to record the documents in the Public Records of Broward County, Florida.

 $\underline{\text{SECTION 4}}.$  This resolution shall take effect immediately upon its passage and adoption.

PASSED ON F	FIRST READING TH	IS DAY OF	, 2007	
ATTEST:		MAYOR/COUNCIL MEMBER		
TOWN CLERK				
APPROVED THIS	DAY OF	, 2007		

H:\2006\060723 Davie\Resolution\Form Reso Utility2.doc

## TOWN OF DAVIE DEVELOPMENT SERVICES DEPARTMENT ENGINEERING DIVISION UTILITY EASEMENT AGREEMENT

This document prepared by: Town of Davie Engineering Div. 6591 Orange Drive Davie, Florida 33314-3399

**Return to:**Town of Davie Administrative Services 6591 Orange Drive Davie, Florida 33314-3399

#### **Utility Easement**

Grantors warrant the Grantors are the fee owners of certain real estate situated in the Town of Davie, County of Broward, State of Florida, which is legally described in Exhibit A attached hereto and incorporated herein by reference, referred to hereinafter as the "easement premises"; and

Grantors hereto have determined that it is in Grantors best interests for the grantors to grant the Town of Davie an easement in and along the easement premises for utility purposes:

Therefore, in consideration of the foregoing:

 The grantors hereby grant and convey to the Town of Davie a perpetual utility easement (which can be over, under and across the easement premises), including the right to ingress and egress to the easement, for construction, reconstruction, alteration, maintenance and repair (to the extent the Town of Davie considers desirable) of pipes and other necessary or desirable appurtenances to and/or for a utility system and/or utility facilities, the easement premises being described as follows which are located in Broward County, Florida:

#### Exhibit A -- Easement Premises Legal Description

 All rights, title and privileges to the easement herein granted shall run with the land and shall be binding upon Grantors and all persons claiming by, through or under Grantors and insure to the benefit of the Town of Davie, Florida, its successors and assigns. Grantor will defend the title to said easement against all persons claiming by, through or under Grantor.

### **Utility Easement Agreement**

N WITNESS WHEREOF, the Grantors have hereunto asement this Am day of WWW.hum, 20	set their hands and seals to this Utility
Print Name: 61012 ett Lonnell	TARGET CORPORATION  Grantor:
Minnary  STATE OF ELORIDA  The foregoing instrument was acknowledge before the state of the stat	Grantor:  fore me this day of, d as identification and
RICHARD S. NICOLAS NOTARY PUBLIC - MINNESOTA MY COMMISSION EXPIRES JAN. 31 2009	Notary Public  Richard S. Nicolo  Printed Name of Notary  My Commission Expires: (2) 31,2009
WITNESSES: GF	RANTEE:
Print Name: Pri	int Name:

#### **EXHIBIT** "A"

DESCRIPTION: (UTIL!

A PORTION OF TRACT "A" OF WOLF FAMILY PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 171, PAGE 85 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

A PORTION OF TRACT "A" OF WOLF FAMILY PLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 171, PAGE 85 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOLTHERMOST SOLTHWEST CONNER OF SAID TRACT "A". THENCE ALONG THE SOUTH LINE OF SAID TRACT "A", NORTH 8746"51" EAST 13.52 FEET; THENCE NORTH OF SAID TRACT "A". THENCE NORTH 8746"51" EAST 13.52 FEET; THENCE NORTH OF SAID TRACT "A". THENCE NORTH 8746"51" EAST 13.52 FEET; THENCE NORTH OF SAID TRACE "AND THE SAID THE S

TOGETHER WITH ANOTHER PORTION OF SAID TRACT "A", DESCRIBED AS FOLLOWS:

COMMENCE AT THE AFORESAID REFERENCE POINT 'A'; THENCE NORTH 02'31'23" WEST 9.58 FEET; THENCE NORTH 87'28'37" EAST 260.97 FEET TO POINT OF BEGINNING #3: THENCE NORTH 02'47'42" WEST 22:11 FEET; THENCE NORTH 86'22'43" EAST 17.78 FEET; THENCE NORTH 83'35'06" EAST 51.08 FEET; THENCE ALONG THE EAST LINE OF SAID TRACT 'A', SOUTH 01'54'03" EAST 15.05 FEET; THENCE SOUTH 83'35'06" WEST 38.75 FEET; THENCE SOUTH 02'27'43" EAST 8.30 FEET; THENCE SOUTH 87'28'37" WEST 30.70 FEET TO THE POINT OF BEGINNING #3.

#### LESS THE FOLLOWING:

LESS THE FOLLOWING:

COMMENCE AT THE AFORESAID REFERENCE POINT '9'; THENCE NORTH 02'40'32' WEST 28.87 FEET TO POINT OF BEGINNING #2; THENCE NORTH 03'43'30' WEST 58.80 FEET; THENCE NORTH 02'03'12' WEST 13.8.16 FEET; THENCE NORTH 02'03'12' WEST 13.8.16 FEET; THENCE NORTH 02'03'12' WEST 13.8.16 FEET; THENCE NORTH 85'5'10' EAST 5.73 FEET; THENCE NORTH 85'5'10' EAST 5.73 FEET; THENCE NORTH 67'10' WEST 5.84 FEET; THENCE NORTH 67'10' EAST 5.84 FEET; THENCE NORTH 67'10' EAST 5.84 FEET; THENCE NORTH 67'10' EAST 5.85 FEET; THENCE NORTH 67'10' EAST 5.86 FEET; THENCE NORTH 67'10' EAST 5.87 FEET; THENCE SOUTH 02'30' EAST 5.86 FEET; THENCE SOUTH 02'30' EAST 5.85 FEET; THENCE SOUTH 67' EAST 5.87 FEET; THENCE SOUTH 68'40' EAST 5.86 FEET; THENCE SOUTH 67' WEST 2.8.76 FEET; THENCE SOUTH 68'40' EAST 5.86 FEET; THENCE SOUTH 68'30' EAST 5.86 FEET; THENCE SOUTH 68'40' EAST 5.86 FEET; THENCE SOUTH 68'30' EAST 5.86 FEET; THENCE SOUTH 68'40' EAST 5.86 FEET; THEN

SAID LANDS SITUATE, LYING, AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA.



THIS SKETCH DOES NOT REPRESENT A HOUNDARY SURVEY SKETCH AND DESCRIPTION CHERENY CERTIFY THAT THIS SICTION MEETS THE MINIMAN TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SUPERVISEA MOL MARMAN RE CHAPTER BIOTY-M, FLORIDA ADMINISTRATULE CODE PURSUANT TO SECURN 472-027, FLORIDA STANDES. STILES CORPORATION DATED THIS 3rd DAY OF AUGUST , 2008 A.D. Martin P. Ross R7 ADDED KEY MAP MARTIN P. ROSSI
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIOA REGISTRATION No. 5857
NOT WALD WINDLY THE SIGNATURE AND THE OWNER,
MASED EARL OF A PLORIDA LIGHED SWIFTER AND WAR
CORRECTED AND UNAD SWIFTER AND WAR
CORRECTED AND UNAD SWIFTER AND WAR
CORRECTED AND UNAD SWIFTER AND WAR 24-07 REVISED MR MILLER' LEGG -19-05 REVISE MR MR South Florida Office: 1800 North Douglas Ro Pembroke Pines, Florida - 33024-3 954-436-7000 - Fax: 954-436-88 www.milerland.com REVISIONS DWN. CHK 03-00284 11-1C-239 JOL | CHECKED BY MR DRAWN BY: Thu 02/22/2007 2:30g 8y BANDONN SUN 03-00284 W-S UF TARGET den

























